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Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SELINA KEENE, MELODY FOUNTILA,
MARK MCCLURE,

Plaintiffs,

vs.

CITY and COUNTY OF SAN FRANCISCO

Defendant.

Case No. 4:22-cv-01587-JSW

**STIPULATION AND [PROPOSED] ORDER
CONSOLIDATING *RODRIGUEZ v. CITY AND
COUNTY OF SAN FRANCISCO* [Case No. 4:23-
cv-03139-JSW]**

Filed: March 14, 2022
Trial Date: None set

CHASE RODRIGUEZ,

Plaintiff,

vs.

CITY AND COUNTY OF SAN
FRANCISCO, AND DOES 1 TO 50,

Defendants.

Case No. 4:23-cv-03139-JSW

**STIPULATION AND [PROPOSED] ORDER
CONSOLIDATING *RODRIGUEZ v. CITY AND
COUNTY OF SAN FRANCISCO* [Case No. 4:23-
cv-03139-JSW]**

1 PLAINTIFF CHASE RODRIGUEZ and DEFENDANT CITY AND COUNTY OF SAN
 2 FRANCISCO (collectively, the “Parties”) through their counsel of record HEREBY AGREE AND
 3 STIPULATE AS FOLLOWS:

4 RECITALS

5 1. WHEREAS, on June 26, 2023, the City filed its Notice of Removal from Superior Court (Dkt.
 6 No. 1, in Case No. 4:23-cv-03139-JSW);

7 2. WHEREAS, on July 11, 2023, the City filed an Administrative Motion to Relate this case to
 8 the first-filed action challenging the City’s COVID-19 Vaccination Policy, *Keene, et al. v. City &*
 9 *County of San Francisco*, Case No. 4:22-cv-01587-JSW, which had previously been related to seven
 10 other vaccine actions (Dkt. No. 88, in *Keene*);

11 3. WHEREAS, on July 12, 2023, the Court issued an order granting limited consolidation of the
 12 *Keene* matter and the seven related vaccine actions for purposes of discovery and up through summary
 13 judgment (“Limited Consolidation Order”) (Dkt. No. 90, in *Keene*);

14 4. WHEREAS, the Limited Consolidation Order expressly recognized that this action (Case No.
 15 4:23-cv-03139) had been noticed as possibly related, and the Court found “that any subsequent case
 16 filed in the District that is determined to be related to the Related Vaccine Cases shall be subject to this
 17 Limited Consolidation Order” (Dkt. No. 90, in *Keene*, at p. 3, lines 26-28).

18 STIPULATION

19 THEREFORE, the Parties STIPULATE and AGREE that the instant case, *Rodriguez v. City &*
 20 *County of San Francisco*, Case No. 4:23-cv-03139-JSW shall be consolidated with the consolidated
 21 vaccine action, lead case *Keene v. City & County of San Francisco*, Case No. 4:22-cv-01587-JSW, up
 22 to and including the Court’s ruling on summary judgment motions, including for discovery and all
 23 motions, in accordance with the Limited Consolidation Order (Dkt. 90, in *Keene*).

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1 Dated: August 17, 2023

LAW OFFICE OF A. ITKIN

2
3 By: /s/ Arkady Itkin
4 ARKADY ITKIN
Attorneys for Plaintiff

5 Dated: August 17, 2023

DAVID CHIU
City Attorney
AMY D. SUPER
LAUREN E. WOOD
Deputy City Attorneys

8
9 By: /s/ Amy D. Super
AMY D. SUPER

10 Attorneys for Defendant
11 CITY AND COUNTY OF SAN FRANCISCO
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(PROPOSED) ORDER

Rodriguez v. City & County of San Francisco, Case No. 4:23-cv-03139-JSW shall be consolidated with the consolidated vaccine action, lead case *Keene v. City & County of San Francisco*, Case No. 4:22-cv-01587-JSW, up to and including the Court's ruling on summary judgment motions, including for discovery and all motions, in accordance with the Limited Consolidation Order (Dkt. 90, in *Keene*, Case No. 4:22-cv-01587-JSW). All submissions filed by any party in *Rodriguez v. City & County of San Francisco* shall be filed only in the earliest-filed lead case, *Keene v. City and County of San Francisco*, No. 4:22-cv-01587-JSW, commencing from the date of this Order and until the Court rules at summary judgment.

IT IS SO ORDERED.

Dated: _____

HONORABLE JEFFREY S. WHITE
United States District Judge

ATTESTATION PURSUANT TO N.D. CAL. LOCAL RULE 5-1

I, Lauren E. Wood, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order. In compliance with N.D. Cal. Local Rule 5-1(i)(3), I attest that Arkady Itkin has read and approved this document and consents to its filing in this action.

Dated: August 17, 2023

DAVID CHIU
City Attorney
AMY D. SUPER
LAUREN E. WOOD
Deputy City Attorneys

By: /s/ Lauren E. Wood
LAUREN E. WOOD

Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

